

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

JOYCE P. BROWER-MCLEAN, ET AL., :
Plaintiffs, : Civil Action No. 05-5150 (PGS)
v. :
JERSEY CITY, ET AL., :
Defendants. :
: **ORDER**
:

This matter comes before us on defendants' motions for summary judgment.

WHEREAS this Court, in an October 6, 2008 order, dismissed Counts One, Two, Three, Four, and Six as to Detectives Vulcano, Lazzara, and Stith, and Officer Muller; and

WHEREAS this Court found insufficient guidance from the briefs previously submitted to rule on Count Seven (claims under the New Jersey State Constitution) and gave notice on October 7, 2008 that parties may submit short briefs to address the issue; and

WHEREAS letter memoranda submitted by the defendants direct us to case law holding that immunities under our State Constitution are the same as those under the Federal Constitution. *See Lloyd v. Stone Harbor*, 432 A.2d 572, 583 (N.J. Super. Ct. Ch. Div. 1981), *overruled, in part, on other grounds* ("the immunities of municipalities and their officials sued directly under our Constitution are identical to those provided by federal law");

WHEREAS Plaintiffs have told us that they have no objection to the dismissal of Count Seven against the individual defendants other than Edward Rossiter and Adel Mikhaeil.

Good cause having been show, it is hereby

ORDERED that Count Seven is not dismissed as to Edward Rossiter and Adel Mikhaeil, and it is further

ORDERED that this matter is dismissed with prejudice as to all claims against Detectives Vulcano, Lazzara, and Stith, and Officer Muller.

10/27/08

Peter G. Sheridan
PETER G. SHERIDAN
UNITED STATES DISTRICT JUDGE